

PREJUDICE as redundant to the Fifth Amendment claim against the District of Columbia;

- e. Plaintiff's claim based on the Fifth Amendment against the Federal Defendants in their official capacities is **DISMISSED WITH PREJUDICE**;
- f. The individual Defendants' motion to dismiss Plaintiff's Fifth Amendment claims against them in their personal capacities is construed as a motion for a more definite statement under Fed. R. Civ. P. 12(e) and, so construed, is **GRANTED**. Plaintiff is **ORDERED** to provide a more definite statement with respect to her Fifth Amendment claims against the individual Defendants no later than April 16, 2007. Plaintiff is cautioned that if she fails to meet this deadline, the Court may dismiss her Fifth Amendment claim against the individual Defendants;
- g. The District of Columbia's motion to dismiss Plaintiff's Fifth Amendment claims against it is **DENIED**;

2. With respect to Count II (intentional infliction of emotional distress) and Count III (gross negligence):

- a. Counts II and III against the Federal Defendants are **DISMISSED WITHOUT PREJUDICE**;
- b. Counts II and III against the individual District Defendants are **DISMISSED WITHOUT PREJUDICE**;
- c. The District of Columbia's motion to dismiss Counts II and III is **DENIED**.

